

AMENDED IN SENATE APRIL 26, 2007

AMENDED IN SENATE APRIL 9, 2007

SENATE BILL

No. 219

Introduced by Senators Steinberg and Romero

February 9, 2007

An act to amend Section 52052 of the Education Code, relating to pupil achievement.

LEGISLATIVE COUNSEL'S DIGEST

SB 219, as amended, Steinberg. Pupil achievement: Academic Performance Index.

Existing law requires the Superintendent of Public Instruction, with approval of the State Board of Education, to develop the Academic Performance Index (API) consisting of a variety of indicators currently reported to the State Department of Education to track the achievement of schools and their pupils. Statutory provisions establish a specific calculation for graduation rates to be included within the API and require the Superintendent to provide an annual report to the Legislature on graduation and dropout rates in California.

This bill would require the Superintendent, with approval of the state board, to revise the API to include additional information by specified deadlines regarding school and school district dropout rates, high school graduation rates, and outcomes related to college and career readiness. The bill ~~would~~ also *would* require the Superintendent to establish a broadly representative and diverse advisory committee to advise him or her and the state board on issues related to revision of the API and the inclusion of multiple measures and to recommend college and career related outcomes that provide meaningful insight into the program

quality of public elementary and secondary schools and can be incorporated into the API by July 1, 2009.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) The high number of children leaving school without
4 completing their high school education poses a serious threat to
5 children, their families, schools, and communities, and the
6 competitiveness and well-being of the California economy. The
7 potential adverse impacts of the high school dropout crisis include
8 a strain on the social welfare system and a shortage of well
9 educated Californians to fuel the 21st century economy.

10 (2) New research suggests that fewer than 70 percent of 9th
11 graders in California, and fewer than 50 percent of 9th graders in
12 some school districts, graduate from high school. More than
13 150,000 California high school pupils may be leaving high school
14 each year without a diploma.

15 (3) If the dropout crisis is left unchecked, demographic trends
16 suggest that the rate of future dropouts will increase. Latinos are
17 more than twice as likely as whites to leave school before
18 graduation. The Department of Finance estimates that the public
19 school enrollment of Latinos will increase by 18 percent in the
20 next 10 years. The Public Policy Institute of California predicts
21 there will be twice as many high school dropouts in California in
22 2025 as there will be jobs to support them.

23 (4) The high school dropout crisis will have detrimental effects
24 on some of the largest industries in California, including computer
25 technology and software engineering, health care, manufacturing,
26 biotechnology, the building and automotive trades, entertainment,
27 and other sectors that rely on an adequately educated workforce
28 with a minimum of a high school education.

29 (5) Dropouts impose substantial social costs on the state. They
30 are less likely than high school graduates to be employed. The jobs
31 they do find pay substantially lower wages. As a result, dropouts
32 pay lower taxes and are more likely to require public welfare

1 support. Dropouts also have poorer health and are more likely to
2 require public health support.

3 (6) Dropouts are more likely to commit crimes and become
4 incarcerated. More than 80 percent of the prisoners in California
5 in 2005 did not graduate from high school. In 2006, each inmate
6 cost California taxpayers an average of thirty-four thousand one
7 hundred fifty dollars (\$34,150), according to the Department of
8 Corrections and Rehabilitation.

9 (7) Families and communities play an important role in keeping
10 children on track toward high school graduation. However, schools
11 are responsible for creating programs that engage children of
12 different backgrounds, interests, and skill levels, and for keeping
13 a close watch on truancy, course failure, and behavior problems
14 that are the markers of a pupil at risk for dropping out of school.

15 (b) It is the intent of the Legislature in enacting this act to reflect
16 the public's fundamental expectation that public schools engage
17 pupils, keep them on track for graduation, and prepare them for
18 success after high school in college or immediate entry into a
19 career.

20 SEC. 2. Section 52052 of the Education Code is amended to
21 read:

22 52052. (a) (1) The Superintendent, with approval of the state
23 board, shall develop an Academic Performance Index (API), to
24 measure the performance of schools, especially the academic
25 performance of pupils.

26 (2) A school shall demonstrate comparable improvement in
27 academic achievement as measured by the API by all numerically
28 significant pupil subgroups at the school, including:

- 29 (A) Ethnic subgroups.
- 30 (B) Socioeconomically disadvantaged pupils.
- 31 (C) English language learners.
- 32 (D) Pupils with disabilities.

33 (3) (A) For purposes of this section, a numerically significant
34 pupil subgroup is one that meets both of the following criteria:

35 (i) The subgroup consists of at least 50 pupils each of whom
36 has a valid test score.

37 (ii) The subgroup constitutes at least 15 percent of the total
38 population of pupils at a school who have valid test scores.

39 (B) If a subgroup does not constitute 15 percent of the total
40 population of pupils at a school who have valid test scores, the

1 subgroup may constitute a numerically significant pupil subgroup
2 if it has at least 100 valid test scores.

3 (C) For a school with an API score that is based on no fewer
4 than 11 and no more than 99 pupils with valid test scores,
5 numerically significant subgroups shall be defined by the
6 Superintendent, with approval by the state board.

7 (4) The API shall consist of a variety of indicators currently
8 reported to the department, including, but not limited to, the results
9 of the achievement test administered pursuant to Section 60640,
10 attendance rates for pupils in elementary schools, middle schools,
11 and secondary schools, ~~and~~ the graduation rates for pupils in
12 secondary schools, *and the measures described in subdivision (i)*.

13 (A) Graduation rates for pupils in secondary schools shall be
14 calculated for the API as follows:

15 (i) The number of pupils who graduated on time for the current
16 school year, which is considered to be three school years after the
17 pupils entered 9th grade for the first time, divided by the total
18 calculated in ~~paragraph (2) clause (ii)~~.

19 (ii) The number of pupils entering 9th grade for the first time
20 in the school year three school years prior to the current school
21 year, plus the number of pupils who transferred into the class
22 graduating at the end of the current school year between the school
23 year that was three school years prior to the current school year
24 and the date of graduation, less the number of pupils who
25 transferred out of the school between the school year that was three
26 school years prior to the current school year and the date of
27 graduation who were members of the class that is graduating at
28 the end of the current school year.

29 (B) (i) The pupil data collected for the API that comes from
30 the achievement test administered pursuant to Sections 60640 and
31 60644 and the high school exit examination administered pursuant
32 to Section 60851, when fully implemented, shall be disaggregated
33 by special education status, English language learners,
34 socioeconomic status, gender and ethnic group. The API shall
35 include both of the following:

36 (I) Only the test scores of pupils who were counted as part of
37 the enrollment in the annual data collection of the California Basic
38 Educational Data System for the current fiscal year and who were
39 continuously enrolled during that year may be included in the test
40 result reports in the API score of the school.

1 (II) The test scores of enrolled pupils who were referred to an
2 alternative education program, including community, community
3 day, and continuation high schools and independent study, that is
4 designed to enroll pupils for less than one school year.

5 (ii) Results of the achievement test and other tests specified in
6 subdivision (b) shall constitute at least 60 percent of the value of
7 the index.

8 (C) Before including high school graduation rates and attendance
9 rates in the API, the Superintendent shall determine the extent to
10 which the data are currently reported to the state and the accuracy
11 of the data. Notwithstanding any other provision of law, graduation
12 rates for pupils in dropout recovery high schools shall not be
13 included in the API. For purposes of this subparagraph, “dropout
14 recovery high school” means a high school in which 50 percent
15 or more of its pupils have been designated as dropouts pursuant
16 to the exit/withdrawal codes developed by the department.

17 (D) The Superintendent shall provide an annual report to the
18 Legislature on the graduation and dropout rates in California and
19 shall make the same report available to the public. The report shall
20 be accompanied by the release of publicly accessible data for each
21 school district and school in a manner that provides for
22 disaggregation based upon socioeconomically disadvantaged pupils
23 and numerically significant subgroups scoring below average on
24 statewide ~~standards-aligned~~ *standards-aligned* assessments. In
25 addition, the data shall be made available in a manner that provides
26 for comparisons of a minimum of three years of data.

27 (b) Pupil scores from the following tests, when available and
28 when found to be valid and reliable for this purpose, shall be
29 incorporated into the API:

30 (1) The assessment of the applied academic skills matrix test
31 developed pursuant to Section 60604.

32 (2) The nationally normed test designated pursuant to Section
33 60642.

34 (3) The standards-based achievement tests provided for in
35 Section 60642.5.

36 (4) The high school exit examination.

37 (c) Based on the API, the Superintendent shall develop, and the
38 state board shall adopt, expected annual percentage growth targets
39 for all schools based on their API baseline score from the previous
40 year. Schools are expected to meet these growth targets through

1 effective allocation of available resources. For schools below the
2 statewide API performance target adopted by the state board
3 pursuant to subdivision (d), the minimum annual percentage growth
4 target shall be 5 percent of the difference between the actual API
5 score of a school and the statewide API performance target, or one
6 API point, whichever is greater. Schools at or above the statewide
7 API performance target shall have, as their growth target,
8 maintenance of their API score above the statewide API
9 performance target. However, the state board may set differential
10 growth targets based on grade level of instruction and may set
11 higher growth targets for the lowest performing schools because
12 they have the greatest room for improvement. To meet its growth
13 target, a school shall demonstrate that the annual growth in its API
14 is equal to or more than its schoolwide annual percentage growth
15 target and that all numerically significant pupil subgroups, as
16 defined in subdivision (a), are making comparable improvement.

17 (d) Upon adoption of state performance standards by the state
18 board, the Superintendent shall recommend, and the state board
19 shall adopt, a statewide API performance target that includes
20 consideration of performance standards and represents the
21 proficiency level required to meet the state performance target.
22 When the API is fully developed, schools must, at a minimum,
23 meet their annual API growth targets to be eligible for the
24 Governor's Performance Award Program as set forth in Section
25 52057. The state board may establish additional criteria that schools
26 must meet to be eligible for the Governor's Performance Award
27 Program.

28 (e) The API shall be used for both of the following:

29 (1) Measuring the progress of schools selected for participation
30 in the Immediate Intervention/Underperforming Schools Program
31 pursuant to Section 52053.

32 (2) Ranking all public schools in the state for the purpose of the
33 High Achieving/Improving Schools Program pursuant to Section
34 52056.

35 (f) (1) A school with 11 to 99 pupils with valid test scores shall
36 receive an API score with an asterisk that indicates less statistical
37 certainty than API scores based on 100 or more test scores.

38 (2) A school shall annually receive an API score, unless the
39 Superintendent determines that an API score would be an invalid

1 measure of the performance of the school for one or more of the
2 following reasons:

3 (A) Irregularities in testing procedures occurred.

4 (B) The data used to calculate the API score of the school are
5 not representative of the pupil population at the school.

6 (C) Significant demographic changes in the pupil population
7 render year-to-year comparisons of pupil performance invalid.

8 (D) The department discovers or receives information indicating
9 that the integrity of the API score has been compromised.

10 (E) Insufficient pupil participation in the assessments included
11 in the API.

12 (3) If a school has ~~less~~ *fewer* than 100 pupils with valid test
13 scores, the calculation of the API or adequate yearly progress
14 pursuant to the federal No Child Left Behind Act of 2001 (20
15 U.S.C. Sec. 6301 et seq.) and federal regulations may be calculated
16 over more than one annual administration of the tests administered
17 pursuant to Sections 60640 and 60644 and the high school exit
18 examination administered pursuant to Section 60851, consistent
19 with regulations adopted by the state board.

20 (g) Only schools with 100 or more test scores contributing to
21 the API may be included in the API rankings.

22 (h) The Superintendent, with the approval of the state board,
23 shall develop an alternative accountability system for schools under
24 the jurisdiction of a county board of education or a county
25 superintendent of schools, community day schools, nonpublic,
26 nonsectarian schools pursuant to Section 56366, and alternative
27 schools serving high-risk pupils, including continuation high
28 schools and opportunity schools. Schools in the alternative
29 accountability system may receive an API score, but shall not be
30 included in the API rankings.

31 (i) The Superintendent, with the approval of the state board,
32 shall revise the API to do all of the following:

33 (1) By July 1, 2008, *or when reliable data first becomes*
34 *available*, include school and school district dropout rates for pupils
35 who drop out of school while enrolled in the 8th or 9th grade. *If*
36 *reliable data is not available by July 1, 2008, the Superintendent,*
37 *on or before that date, shall report to the Legislature the reasons*
38 *for the delay and the anticipated date upon which he or she will*
39 *include the specified dropout rates in the API.*

1 (2) By July 1, 2008, assign all accountability data on pupils in
2 alternative education programs, including community, community
3 day, and continuation high schools and independent study, to the
4 school and school district of residence; to ensure that placement
5 decisions are in the best interests of affected pupils.

6 (3) ~~By July 1, 2009~~ *When reliable data first becomes available,*
7 include high school graduation rates, as calculated pursuant to
8 subparagraph (A) of paragraph (4) of subdivision (a).

9 (4) By July 1, 2009, include outcomes related to college and
10 career readiness, based on recommendations received pursuant to
11 subparagraph (A).

12 (A) The Superintendent shall establish a broadly representative
13 and diverse advisory committee to advise him or her and the state
14 board on issues related to revision of the API and the inclusion of
15 multiple measures and to recommend college and career related
16 outcomes that provide meaningful insight into the program quality
17 of public elementary and secondary schools and can be
18 incorporated into the API by July 1, 2009.

19 (B) The advisory committee's recommendations also shall
20 include data and connections between the data systems of
21 elementary and secondary schools, institutions of postsecondary
22 education, and employers that are necessary for establishing more
23 robust and reliable indicators of the performance of elementary
24 and secondary schools based on college and career related
25 outcomes. The committee shall include representatives from all
26 ~~segments of education in California, the business and labor~~
27 ~~communities, and any related state agencies or departments.~~ *of the*
28 *following:*

29 (i) *All segments of education in California, including one parent*
30 *of an elementary or secondary school pupil, one elementary or*
31 *secondary teacher, one elementary or secondary school*
32 *administrator, one member of the governing board of a school*
33 *district, and one alternative school educator.*

34 (ii) *The business and labor communities.*

35 (iii) *State agencies or departments related to the groups*
36 *described in clauses (i) and (ii).*

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